OIPE
JAN 11 2006
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of D. Swistak et al.

Serial No. 10/677,772

Filed: 10/1/03

For: Leaching Chamber with Inward Flaring Sidewall Perforations

Date: January 11, 2006

Examiner: T. Mayo

Art Group: 3671

Atty Docket No. 2313

AMENDMENT

Commissioner for Patents

1. Please withdraw the Amendment after Final Rejection, dated November 29, 2005.

2. Please amend the claims as shown in the attached status of claims.

REMARKS

Applicants argue for patentability of their amended claims as follows:

The DeTuillo '925 patent shows planar sidewalls and a curved top (Fig. 5.). DeTuillo has no perforations in any curved sidewall, and thus teaches away from the claimed invention. In applicants' claimed invention, the chamber has horizontal slots in the curved sidewall. The Schlafly Pat. No. 980442 and previously cited Fouss et al. Pat. No. 4523613 teach away from the present invention in having holes at the top of the chamber. Here, and below, the totality of the art and its teaching should be considered; elements of the invention ought not be picked and chosen in light of the description of the invention.

DeTuillo has round holes, not slots. The final rejection characterized the DeTuillo round holes as "slots". Applicants submit that is inconsistent with the term as used in the art and common engineering and English language usage of the word "slots". The claims more particularly characterize slots as running horizontally.

In DeTuillo, the holes do not have any downslope. One can only assume that as shown their basic axes are perpendicular to the surface of the chamber, and thus they have differing

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